

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BNSF RAILWAY COMPANY,

Plaintiff,

v.

STEVEN McARTHUR, THEODORE
MAYER, JAY TURNQUIST, TONIA
RUPRECHT, DAVID BECKNER,
and LINDSAY DUNN,

Defendants.

CASE NO. C15-992 RAJ

ORDER

This matter comes before the Court on Defendant Steven McArthur's Motion for Entry of FRCP 54(b) Certification. Dkt. # 118. Plaintiff did not oppose the motion. "[S]uch failure may be considered by the court as an admission that the motion has merit." W.D. Wash. Local Rules LCR 7(b)(2).

Mr. McArthur asks the Court to enter a final judgment as to all claims involving Mr. McArthur. Dkt. # 118. His Motion is based upon the Court of Appeals' finding that this Court's judgment did not dispose of the entire action due to a pending counterclaim by Defendant Tonia Ruprecht. Dkt. # 118-1. Mr. McArthur argues that Ms. Ruprecht's

1 unresolved counterclaim does not implicate any issues he presents on appeal and
2 therefore should not act as a barrier to appellate jurisdiction. *Id.*

3 Pursuant to Rule 54(b), “the court may direct entry of a final judgment as to one or
4 more, but fewer than all, claims or parties only if the court expressly determines that
5 there is no just reason for delay.” Fed. R. Civ. P. 54(b). The Court entered judgment in
6 favor of Defendants on Plaintiff’s claims. Dkt. # 109. These claims were both factually
7 and legally distinct from Ms. Ruprecht’s counterclaim. The Court’s judgment satisfies
8 Mr. McArthur’s request—it was a final judgment on Plaintiff’s claims, which were the
9 only claims asserted against Mr. McArthur. However, to aid him in his appeal and in
10 light of Plaintiff’s failure to oppose the Motion, the Court will enter a final judgment as
11 to Mr. McArthur in this matter.

12 The Court **GRANTS** Mr. McArthur’s Motion. Dkt. # 118. The Court further
13 directs the Clerk to enter a final judgment with respect to all claims involving Mr.
14 McArthur.

15 Dated this 29th day of June, 2017.

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19 The Honorable Richard A. Jones
20 United States District Judge
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